
Whether the Rules of the WTO Will Broaden the Gap Between the Most Developed and the Least Developed Countries?

M.Sc. Nikola Fabris
ECONOMICS INSTITUTE
Belgrade, Srpskih Vladara 16
phone/fax: (+38111) 3612 716
SCHOOL OF ECONOMICS, BELGRADE UNIVERSITY
e-mail: fnikola@one.ekof.bg.ac.yu

M.Sc. Jelena Galic
ECONOMICS INSTITUTE
Belgrade, Srpskih Vladara 16
phone/fax: (+38111) 3612 716
e-mail: jgalic@EUnet.yu

M.Sc. Trajcevska Roza
SCHOOL OF ECONOMICS, SKOPJE UNIVERSITY
Bulevar Krste Misirkov bb
phone: (+38993) 80 507

Abstract

After almost half a century of negotiation, the Uruguay Round was concluded in 1994. The WTO proclaimed as its basic goals the growth of the living standard, full employment, the growth of production and trade, optimal use of world resources etc. Undoubtedly the world, as a whole, will experience the rise of welfare. However, there is a serious doubt that the rules of the WTO were formulated primarily for the sake of maximization welfare of the most developed countries. Majority of the least developed countries will be faced with the reduced welfare. Considering that the absence from the WTO implies potentially larger losses, the only dilemma for these countries is the choice of strategy of accession to the WTO in order to minimize their losses.

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1. Introduction

After almost half a century of negotiating and eight rounds of negotiations, the World Trade Organization (WTO) was established on January 1st, 1995. The goals¹ of the WTO are almost identical to the goals of the GATT: higher living standard and income, full employment, the growth of production and trade, as well as optimal utilization of world resources, in accordance with the goals of sustainable development and protection of environment.

In realization of these goals, the WTO proceeds from the principles of non-discriminatory trade, predictable and expanding access to the markets, promotion of fair competition, stimulation of development, economic reforms and free trade.

The conclusion of the Uruguay Round was heralded as a major triumph for international economy and a increment of welfare for all countries. According to the prediction of the WTO Secretariat, as the result of the world trade growth, the world GDP may be increased for 230 billion US dollars at the end of the period of implementation of all agreed concessions on liberalization (e.d. until 2005) only as the result of liberalization of the access to the commodities markets.²

What is beyond any doubt and what most authors think is that the world, in general, will experience the growth of well-being, as it can be seen from the following table:

¹ The goals of the WTO are stated in the preamble of the Agreement on the Establishment of the WTO.

² Schott J. & Buurman J.W. - "The Uruguay Round - an Assessment", 1996.

Table 1. – Estimated effects of the UR on world GDP and Trade

Author	GDP (US\$ billions)	World trade (in %)
Nguyen	212	20
Yang	116	14.8
WTO	230	12.4
OECD	274	n.a.
Goldin	213	n.a.

Source: “The Uruguay Round an Assessment”, 1996.

However, this table does not indicate the answer to the question (many officials of the WTO were avoiding it as well) how these rules will affect the least developed countries. There is a well founded suspicion that the WTO rules were designed to maximize the welfare of the most developed countries and that developing countries will be faced with further impoverishment, e.d. that the WTO rules will broaden the gap between the most developed and least developed countries.

2. The Imbalanced and Inequitable Outcome of the Uruguay Round

The WTO members enjoy automatically the clause of the most favoured nation, while other countries may enjoy it only if they agree it on bilateral bases. Without this clause, a non-discriminatory access to the international market is not possible. However, the clause of the most favoured nation represents the realization of the non-discrimination principle that suits developed market economies.³ In the exchange with the third countries, developed market economies apply the tariff rates which are a few times higher than the MFN rates. It means that developing countries may have choice between high tariff rates (that make their export incompetative) and the accession to the WTO. However, the absence from the WTO carries with it possibilities of very large loses.

³ This is proved also by the fact that this clause is taken from the trade practice of the USA.

The inclusion of some spheres in its scope, such as intellectual property, investment rules, telecommunication etc., the WTO exceeded the character of only a trade organization. There is a real apprehension that by the extension of its rules to new areas, the WTO may become supranational body under the control of a few most developed countries which may dictate their conditions to the economically weaker countries.⁴

In the process of admission of new members, the considerations of the working group are not limited only to the segments of the economic system regulating the sphere of economic relations with foreign countries, but, at the same time, the whole economic system and the entirety of economic policy are being re-examined.⁵

Though it is not within the mandate of the WTO regulations, a considerable attention is paid to the examination of the issue of privatization. The most vocal in putting up these demands are the USA which point out that the WTO rules mean market economy whose normal functioning can not be imagined without the existence of a large share of private companies. This issue was raised by majority of the East European and by some developing countries that have submitted application for the membership in the WTO. Behind this demand is aspiration of multinational companies to buy off cheaply profitable companies.⁶ When the WTO allowed that on the occasion of admission of new members the issue of basic economic and system policies was raised, it is clear that it is interference in the sovereignty of countries and the first step towards some new form of neocolonialism.

The WTO rules foresee the obligatory adoption of all WTO agreements in a package and without prolonged transition terms, though some of them will negatively affect the welfare of developing countries.

Frequently raised dilemma is whether the WTO rules have an impact on the reduction of national sovereignty. Namely, the WTO rules give certain rights

⁴ One may expect that in the future on the agenda of the WTO will be also some rules on competition, taxes, labor standards, government procurements and even the issue of human rights.

⁵ Popovic T. and others. - "Jugoslavija i Svetska trgovinska organizacija", 1996.

to the signatories but, at the same time, obligations, which also have an impact on actions of each country. There are also opinions that the WTO rules bring about the extension of national sovereignty, as the companies will be protected outside their mother country. However, as the rules were created under the pressure of the most developed countries, and considering that they were created for the maximization of their welfare, it is obvious that these rules have an impact on reduction of sovereignty of the least developed countries. Developing countries will be forced to change existing and adopt a number of new laws in order to adapt themselves to the WTO rules. "According to several analyses, the UR agreements will severely restrict or constrain the possible policy options in many countries. Non-compliance of the rules can result in complaints being brought against country, and threat of trade penalties and retaliations through measures affecting trade and other activities."⁷

Developed countries, in desire to perpetuate global domination and to prevent the appearance of new competitors, imposed the ban on the export subsidies. The exception is agriculture, under condition that it was subsidized in the base period as well. It is almost impossible to withdraw once offered concessions. This provision is very unfavorable for developing countries, considering that owing to underdevelopment in many spheres, it is very hard to determine the optimal level of concessions.

At the moment, some developed countries exert pressure that the WTO should include into its agenda the negotiations on "government procurements". Considering that the potentially large profits are at stake, the goal of developed countries is that for the "government procurements" the national treatment clause applies as well. It would mean that the governments could not give preference to domestic companies in case of large investment undertakings (for instance, the construction of roads, bridges, schools, etc.).

The WTO could be also used as an instrument to shift a great portion of the burden of future global economic adjustment (for instance, because of

⁶ As in these countries there is scarcity of domestic private capital that would take part in privatization, the only real source is foreign capital.

⁷ "Focus on World Trade", 2/98.

environmental imperatives). to the South, which presently has a very weak bargaining and negotiating position in the WTO forum.

The rules on regional integrations are the best example that there may be exemption to the WTO rules if it is in the interest of the most developed countries. Though each form of integration is an exemption to the most favoured nation clause, as the countries within a regional integration in their mutual exchange apply lower (or zero) tariffs than those applied to other members of the WTO, regional integrations are not banned by the WTO rules.⁸ The WTO itself, in order to explain mass violation of its basic principle (the clause of the most favoured nation) elucidates that the zones of preferential trade and the tariff union (under the Art. 24 of the GATT) are not contrary to the general liberalization and globalization.⁹ The following table illustrates best that the world is in the period of mega regionalization:

Table 2. – The share of the most important regional agreements in world trade in 1997.

Regional agreement	Share in world trade (in %)
EU	22.8
EUROMED	2.3
NAFTA	7.9
MERCOSUR	0.3
FTAA	1.3
AFTA	2.6
AUSTRALIA AND NEW ZELAND	0.1
APEC	23.7
TOTAL	61

Source: “Fifty Years of the GATT/WTO: Lessons from the Past for the Strategies for the Future”, 1998.

⁸ According to the Art. 24 of the GATT (para 4) the establishment of the tariff union, the free trade zone and transitional agreements leading to the establishment of the tariff union or the zone of free trade should make easier the trade between participating countries, and to raise barriers to the trade between these countries and other contracting parties.

⁹ Kovac O. - “Unutarbalkanska ekonomska saradnja i integracija”, 1998.

It is obvious that the basic protagonist of regionalization are developed countries, as it is clear that the rules of regional integrations are contrary to the spirit of globalism which, at least declaratively, advocates the WTO.

As a relatively great achievement of the Uruguay Round sounds the information that, as the result of implementation of the agreement, there may come the average reduction of the MFN tariffs for 40% in developed market economies. However, if one has in mind that the bulk of the least developed countries export consists of raw-materials with zero or very low tariff rates, then it is obvious that this reduction will not mean much to the least developed countries.

3. Agricultural liberalization and UR

The Agreement on Agriculture foresees the tariffication, e.d. transformation of all non-tariff barriers, into the tariffs. The basis for the tariffication represents the difference between domestic and world prices in the period 1986-1988. Thus obtained tariffs are subject to reduction and consolidation, e.d. they can not be later increased.

For developed countries the obligation of tariff cuts is 36% within 6 years, while for developing countries the obligation of tariff cuts is 24% in 10 years.

Tariff cuts are average and they do not necessarily have to be linear for each individual product. A minimum reduction for individual product is 15% for developed and 10% for developing countries. The tariffs obtained by the tariffication and their foreseen reduction are included in the list of concessions which all members are obliged to submit to the WTO.

As far as domestic support are concerned, it was agreed to reduce them for 20%, in total. At this, one has to take into account that the reduction does not apply to individual product, but to the average reduction of domestic support.

As the result of the Uruguay Round, the tariffs were reduced for 36%, in average. It sounds as a significant achievement, but this assertion is untenable if one has in mind that this reduction applies only to the customs duty obtained by

tariffication, what is considerably higher level. In many countries and for many products, the tariff equivalents included in the list of concessions were much higher than the tariff equivalents during initial period, what brought about the phenomenon of the so-called “dirty” tariffication.¹⁰

One can see from the table that majority of countries - members of the OECD used the tariffication procedure that resulted by much higher tariffs than the foreseen tariff equivalents in the period 1986-1988.

Table3. - Comparison of estimated ad valorem tariff equivalent 1986 – 88. and tariffs declared in country schedules

Country	Rice			Wheat			Sugar			Dairy		
	Estimate 86-88	UR base	Differ.	Estimate 86-88	UR base	Differ.	Estimate 86-88	UR base	Differ.	Estimate 86-88	UR base	Differ.
Australia	13.5	0.0	-13.5	0.7	0.0	-0.7	11.8	52.4	40.6	49.3	6.7	-42.6
Canada	-	0.9	-	30	57.7	27.7	131	197	66	187	288.4	101.4
USA	1.0	5.0	4.0	20	6	-14	131	197	66	132	144	12
EU	153	360.5	207.5	103	155.6	52.6	234.0	297.0	63.0	177	288.5	111.5
Japan	500	-	-	651	239.6	-411	184	126.1	-58	501	489.4	-11.6
New Z.	0	0	0	0	0	0	0	2.9	2.9	0	19.6	19.6
Austria	0	0	0	188	400	212	183	178	-5	196	463	267
Colomb.	4	210	206	20	138	118	25.3	130	104	-	150	-
Venez.	174.9	135	-39.9	-	130	-	47	100	53	-	96	-
Thailand	1	58	57	-	64	-	-	104	-	-	63	-
Rep of Korea	213.8	-	-	-	10.9	-	-	23.7	-	103.4	220	116
Czech R.	14	70	56	-38	16	54	14	70	56	-20	64	84

Source: “The Uruguay Round and Developing countries”, 1996.

Basic error that made possible the “dirty” tariffication came from the fact that the countries themselves were allowed to determine the level of protection in the basic period, without any control.

Developed countries took care to protect themselves from the massive import by introduction of a special protective clause, allowing the use of additional tariffs, above the agreed level. Implementation of this protection

¹⁰ M. D., Ingo - “Has Agricultural Trade Liberalization Improved Welfare in the Least-Developed countries? Yes”, 1997.

clause¹¹ was made easier by Dankel's text.¹² This provision is useless for the most developing countries, though they run into deficit as they import only as many products as they consider necessary to feed their population. The provision allowing the ban on import under the pretext of the population health protection, may become very easily the subject of numerous abuses. This is confirmed by the example of the European Union from 1993, when the import of pork from the countries in transition (CIT) was introduced due to pig-fever, or from 1997, when the import of beef from the CIT was prohibited, owing to the "crazy cows" disease.

Considering that a direct consequence of implementation of the Agreement on Agricultural Production will be the rise of agricultural products price, one may draw a conclusion that it will increase the welfare of the countries that have surplus in the international exchange of agricultural products and decrease the welfare of the countries having deficit in that exchange.

The assessments done by the RUNS model have clearly shown that the most affected were the poor countries, the net-importers of agricultural products. However, the model clearly indicates that the total world gains are much larger than the total world loses. Therefore, it would be necessary to elaborate certain mechanism of compensation to the least developed countries, but for this there is no political will.

World Bank has also stood in protection of developed countries. Thus, for instance, the PRWP No. 1748, "Has Agricultural Trade Liberalization Improved Welfare in the Least Developed Countries? Yes", in addition to the suggestive title, tries to shift all blame to developing countries. On the binding of this publication it has been pointed out: "Most of the gains from multilateral liberalization come from the countries own liberalization efforts. Least-developed countries that failed to liberalize their trade policy lost the opportunity for gains that the UR made possible." However, the assessments of I. Goldin (presented

¹¹ The level of activation of the protection clause depends on the level of free access. At this, the average rate of import in the last three years is compared with total consumption. The higher access, the lower level on which this clause is activated. The use of this clause does not require the proof that domestic producers suffer losses.

¹² A. Dankel was General Director of the GATT.

in the work itself) have clearly indicated that the Agreement on Agriculture will result in reduction of the welfare of the least developed countries.

Table 4. – Impact of the Agricultural Agreement on GDP of Least –Developed Countries

Countries	I scenario	II scenario	Countries	I scenario	II scenario
Bangladesh	-0,2	-0,05	Madagascar	0,01	0,11
Benin	-0,10	-0,011	Malawi	0,13	0,63
Bhutan	-0,03	-0,19	Maldives	0,27	-0,42
Botswana	0,00	0,04	Mali	-0,17	-0,01
Burkina Faso	-0,07	0,00	Mauritania	-0,10	-0,52
Burundi	0,01	0,16	Mozambique	-0,09	-0,39
Cambodia	0,02	-0,03	Maynamr	0,00	0,01
Central African Republic	-0,04	-0,04	Namibia	-0,05	-0,04
Chad	-0,15	0,09	Nepal	0,00	-0,04
China	-0,01	0,02	Nicaragua	0,03	0,40
Comoros	-0,06	-0,29	Niger	-0,06	-0,16
Egypt	-0,11	-0,33	Nigeria	-0,02	-0,09
Equatorial Guinea	-0,06	-0,25	Pakistan	-0,04	-0,04
Ethiopia	-0,05	-0,05	Rwanda	0,02	0,07
Gambia	-0,15	-1,19	Sao Tome & Principe	-0,16	-0,46
Ghana	-0,8	-0,10	Sierra Leone	0,07	-0,38
Guinea	-0,03	-0,37	Solomon Islands	0,11	0,01
Guinea-Bissau	0,01	-0,35	Somalia	-0,10	-0,34
Guyana	0,78	4,66	Sri Lanka	-0,02	-0,05
Haiti	-0,06	-0,45	Sudan	-0,08	0,01
Honduras	-0,15	0,36	Tanzania	-0,03	0,15
India	0,00	0,03	Togo	-0,10	-0,07
Indonesia	0,01	0,01	Uganda	0,00	0,15
Kenya	0,01	0,14	Viet Nam	-0,01	0,18
Lao PDR	-0,03	-0,04	Yemen	-0,10	-0,43
Lesotho	0,02	-0,62	Zaire	-0,02	-0,06
Liberia	0,06	-0,16	Zimbabwe	0,06	-0,02

Source: “Has Agricultural Trade Liberalization Improved Welfare in the Least Developed Countries? Yes”

From the table one can clearly see that, by the first scenario, the GDP will be reduced in 34 countries and that it will be increased only in 15 countries (in 5 countries there will be no change). According to the other scenario, the GDP will be also reduced in 34 countries and increased in 19 countries (in one country there will be no change).

Considering that the issue here is the segment of consumption which is inelastic, the rise of prices will not have significant influence on the reduction of demand. It means that the result will be unchanged (or slightly reduced) import (quantitatively expressed) and increased value of import due to the rise of prices of agricultural products.

4. The TRIPs Agreement

The agreement on trade related aspects of the intellectual property rights regulates in a uniformed way the intellectual property rights. This agreement provides implementation of the national treatment and the most favoured nation clauses. The following table illustrates which types of intellectual property are the subject of protection.

Table 5. - The Protection of Intellectual Property Rights

The type of intellectual property	The subject of protection	Duration of protection
Copyright and related rights	Ideas, realization and methods of work	The life time of an individual or 50 years
Trademarks	Marks, letters, numbers end their combination	The renewal of the trade mark registration, minimum 7 years
Geographical indications	Geographical origin of products	Unlimited
Industrial models and samples	Ornamental features of products	Minimum 10 years
Patents	Products, processes	Minimum 20 years
Trade secrets	The data having commercial value	Unlimited

Developed countries have to comply with the provisions of this agreement within a year, developing countries within 5 years and the least developed

countries within 10 years, with the possibility of extension of this period. It is indisputable that great economic interests are involved in this sphere. Almost entire exchange of goods and services is performed under license, patent or trade mark. The absence of the intellectual property protection acts as a non-tariff barrier for exporters, as one has to take into account additional expenses for prevention of illegal infringement of authors' rights.

For some companies the payment of copyrights would mean only increased expenses, and for the other ones - the end of business activities. If the market structure is characterized by the existence of the dual structure between the domestic and foreign companies, which is transformed in a monopoly (by elimination of domestic company that did not respect the protection of intellectual property rules), then there arise significant economic losses, as a consequence of the reduction of consumer surplus.

The result of this agreement will probably be also the expansion of the developing countries imports, as in some fields the only suppliers will be foreign companies (for instance: software). Actually, there will be an expansion of expenses for the purchase of patents, licenses etc. from foreign companies.

If one assumes that this agreement will last, it will result on the developing countries markets in two ways: on one hand, by eliminating imitators, on the market will remain only "original" products which are, as a rule, more expensive, and that may lead to the reduction of demand for that type of product.¹³ On the other hand, considering that there will be only original products on the market, demand for them will expand. The end result will be a reduction of sale of that type of product and the expansion of sale of the "original" one. It means that it will be on the detriment of the country introducing protection of intellectual property.

Having in mind that the object of imitation is most frequently produced with very high expenses of research, which proportionally have a small share in overall production of developing countries, e.d., considering that imitation of products is more frequent on the markets of developing countries than their products, it is obvious that the final result of this agreement will affect adversely

the welfare of developing countries and increase the welfare of developed market economies.

Undoubtedly, this agreement will actually mean the transfer of the rent from underdeveloped to developed countries, but its adverse effects are partially reduced by the relatively long period of adaptation, left to developing countries. There are also some assessments pointing out that in the case of this agreement, the loss of the welfare in developing countries may be greater than the gains of developed countries. Developed countries¹⁰ motives for introducing trade-related intellectual property rights in the round were to enable their firms to capture more profits through monopolistic higher prices, and through royalties and the sale of technology products; and to place stiff barriers preventing the technological development of potential new rivals from the South.

5. A Proposed Solution for Negotiating the Accession of the Developing countries into the WTO

The best alternative to the developing countries accession to the WTO would be the granting of a transition period (minimum 10 years and to the least developed countries even longer). The goal of transition period would be to give developing countries a certain period for implementation of necessary reforms, for restructuring their domestic economies and for defining (or implementation) their economic policy that would have credibility, both in the country and abroad.

Developing countries would enjoy in this transition period all privileges resulting from the membership in the WTO and which, at the same time, would not be obliged to extend any concessions during the transition period. They would be only obliged to implement the program of economic reforms that would be monitored by a certain body of the WTO. At the end of transition period, developing countries would have to accept all obligations originating from the WTO agreement.

¹³ Demand for the type of product includes the demand for the original product (the product covered by the protection of intellectual property) and illegally imitated product.

The transition period differs from granting a special treatment. First, granting the transition period requires implementation of certain reforms that granting of a special status does not. Second, at the end of transition period, the country gets full membership and undertakes all obligations. In this way, developing countries have also a period of time to establish a realistic level of concessions.

Granting a transition period would not mean a precedent in the history of international economic relations. For instance, the Treaty on Accession of Spain, Greece, Portugal, Sweden, Austria and Finland to the European Union, the European agreements between the EU and developing countries, the NAFTA grants special arrangements for all three member states etc.¹⁴ In the GATT itself there were similar transition periods. For instance, the Agreement Between Yugoslavia and GATT from 1959. had a provision that stipulated annual meetings for monitoring the progress that would lead to full membership of Yugoslavia to the GATT.¹⁵

For granting a transition period there are also legal provisions in the Final Act of the Uruguay Round. They are based on the provision that the Ministerial Conference may, by three quarters majority, exempt any country from any obligation that may proceed from the Agreement. However, for that there is no political will of the most developed countries.

The least-developing countries have been put in a situation in which they already paid the price of accepting new terms in different areas of interest the industrialized countries, without obtaining in exchange satisfactory conditions of market access. Considering that a non-discriminatory access to foreign markets without the membership in the WTO is almost impossible, developing countries

¹⁴ USA have transition period for professional services, air and road transport etc. from 2-7 years; Canada has a transition period for automotive industry, a number of business services and air transport from 2-5 years; Mexico has transition period for telecommunications, business services, air and road transport, etc. from 2-7 years.

¹⁵ Z. Drabek - "The Stability of Trade Policy in the CIT and their Integration into the Multilateral Trading System", 1996.

have to join the WTO.¹⁶ Those developing countries that have not yet joined the WTO must, with great care, make right choice of concessions in order to minimize potential losses.

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¹⁶ The absence from the membership in the WTO would surely lead developing countries to larger losses than their membership in the WTO.

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